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# HOUSE BILL No. 1958

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3.1-2-1; IC 9-27-4-5.5; IC 11-10-5; IC 12-17-2-34; IC 20-1; IC 20-5.5-8-4; IC 20-6.1; IC 20-8.1; IC 25-1-1.2-2; IC 25-33-1.

**Synopsis:** Administration of teacher licensing. Provides that the department of education rather than the professional standards board governs training, licensing, and professional development of teachers. Establishes a division within the department to administer these functions. Changes the current professional standards board into an advisory board to advise the superintendent of public instruction, the state board of education, and the department of education on matters concerning teacher training, licensing, and professional development. Establishes a fund to receive fee revenue. Provides for use of the fund for program administration and makes a continuing appropriation for this purpose. Removes references to IC 20-6.1-8, which was repealed in 2001. Repeals a redundant section and makes transitional provisions.

**Effective:** July 1, 2003.

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## Thompson

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January 23, 2003, read first time and referred to Committee on Education.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1958

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-3.1-2-1 AS AMENDED BY P.L.292-2002 (ss),  
2       Sect. 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2003]: Sec. 1. As used in this chapter, the following terms  
4       have the following meanings:

5       (1) "Eligible teacher" means a teacher:

6           (A) certified in a shortage area by the ~~professional standards~~  
7           ~~board~~ **department of education** established by ~~IC 20-1-1.4;~~  
8           **IC 20-1-1.1-2;** and

9           (B) employed under contract during the regular school term by  
10          a school corporation in a shortage area.

11       (2) "Qualified position" means a position that:

12           (A) is relevant to the teacher's academic training in a shortage  
13           area; and

14           (B) has been approved by the Indiana state board of education  
15           under section 6 of this chapter.

16       (3) "Regular school term" means the period, other than the school  
17       summer recess, during which a teacher is required to perform



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duties assigned to him under a teaching contract.

(4) "School corporation" means any corporation authorized by law to establish public schools and levy taxes for their maintenance.

(5) "Shortage area" means the subject areas of mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.

(6) "State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-2.1 and IC 6-3 as computed after application of credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 2. IC 9-27-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) To receive an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must complete at least twelve (12) semester hours in driver education courses, of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

(1) a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-1-1-4~~; **IC 20-1-1.1-2**; and

(2) at least five (5) years of teaching experience in driver education.

(b) The three (3) semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a) must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours required under subsection (a) do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

(1) The individual meets the requirements of subsection (a).

(2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.



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(3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

- (1) during 1995, held an instructor's license;
- (2) meets the requirements of subsection (d)(2) and (d)(3); and
- (3) completes the twelve (12) semester hours of driver education courses required under subsection (a) not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

- (1) holds a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established under ~~IC 20-1-1.4~~; **IC 20-1-1.1-2**; and
- (2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 3. IC 11-10-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The ~~professional standards board~~ **Indiana state board of education** established by ~~IC 20-1-1.4~~ **IC 20-1-1-1** shall, in accord with IC 20-6.1-3, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

SECTION 4. IC 11-10-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the ~~professional standards board~~ **Indiana state board of education** established by ~~IC 20-1-1.4~~ **IC 20-1-1-1**. Modification of these rules may be made by the ~~professional standards board~~ **department of education established by IC 20-1-1.1-2** in a way reasonably calculated to make available an adequate supply of qualified teachers. A limited certificate may be issued in cases where special training and qualifications warrant the waiver of part of the prerequisite professional training required for certification to teach in the public schools. The limited certificate, however, may be issued only to applicants who have graduated from an accredited college or



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1 university. Teachers of vocational education need not be graduates of  
 2 an accredited college or university but shall meet requirements for  
 3 conditional vocational certificates as determined by the ~~professional~~  
 4 ~~standards board~~ **department of education**.

5 SECTION 5. IC 12-17-2-34, AS AMENDED BY P.L.132-2001,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2003]: Sec. 34. (a) When the Title IV-D agency finds that an  
 8 obligor is delinquent and can demonstrate that all previous enforcement  
 9 actions have been unsuccessful, the Title IV-D agency shall send, to a  
 10 verified address, a notice to the obligor that includes the following:

- 11 (1) Specifies that the obligor is delinquent.
- 12 (2) Describes the amount of child support that the obligor is in
- 13 arrears.
- 14 (3) States that unless the obligor:
- 15 (A) pays the obligor's child support arrearage in full;
- 16 (B) requests the activation of an income withholding order
- 17 under IC 31-16-15-2 and establishes a payment plan with the
- 18 Title IV-D agency to pay the arrearage; or
- 19 (C) requests a hearing under section 35 of this chapter;

20 within twenty (20) days after the date the notice is mailed, the Title  
 21 IV-D agency shall issue an order to the bureau of motor vehicles stating  
 22 that the obligor is delinquent and that the obligor's driving privileges  
 23 shall be suspended.

- 24 (4) Explains that the obligor has twenty (20) days after the notice
- 25 is mailed to do one (1) of the following:
- 26 (A) Pay the obligor's child support arrearage in full.
- 27 (B) Request the activation of an income withholding order
- 28 under IC 31-16-15-2 and establish a payment plan with the
- 29 Title IV-D agency to pay the arrearage.
- 30 (C) Request a hearing under section 35 of this chapter.

- 31 (5) Explains that if the obligor has not satisfied any of the
- 32 requirements of subdivision (4) within twenty (20) days after the
- 33 notice is mailed, that the Title IV-D agency shall issue a notice to:

- 34 (A) the board **or department** that regulates the obligor's
- 35 profession or occupation, if any, that the obligor is delinquent
- 36 and that the obligor may be subject to sanctions under
- 37 IC 25-1-1.2, including suspension or revocation of the
- 38 obligor's professional or occupational license;
- 39 (B) the supreme court disciplinary commission if the obligor
- 40 is licensed to practice law;
- 41 (C) the ~~professional standards board~~ **department of education**
- 42 as established by ~~IC 20-1-1.4~~ **IC 20-1-1.1-2** if the obligor is a

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- 1 licensed teacher;
- 2 (D) the Indiana horse racing commission if the obligor holds
- 3 or applies for a license issued under IC 4-31-6;
- 4 (E) the Indiana gaming commission if the obligor holds or
- 5 applies for a license issued under IC 4-33;
- 6 (F) the commissioner of the department of insurance if the
- 7 obligor holds or is an applicant for a license issued under
- 8 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
- 9 (G) the director of the department of natural resources if the
- 10 obligor holds or is an applicant for a license issued by the
- 11 department of natural resources under the following:
- 12 (i) IC 14-22-12 (fishing, hunting, and trapping licenses).
- 13 (ii) IC 14-22-14 (Lake Michigan commercial fishing
- 14 license).
- 15 (iii) IC 14-22-16 (bait dealer's license).
- 16 (iv) IC 14-22-17 (mussel license).
- 17 (v) IC 14-22-19 (fur buyer's license).
- 18 (vi) IC 14-24-7 (nursery dealer's license).
- 19 (vii) IC 14-31-3 (ginseng dealer's license).
- 20 (6) Explains that the only basis for contesting the issuance of an
- 21 order under subdivision (3) or (5) is a mistake of fact.
- 22 (7) Explains that an obligor may contest the Title IV-D agency's
- 23 determination to issue an order under subdivision (3) or (5) by
- 24 making written application to the Title IV-D agency within twenty
- 25 (20) days after the date the notice is mailed.
- 26 (8) Explains the procedures to:
- 27 (A) pay the obligor's child support arrearage in full;
- 28 (B) establish a payment plan with the Title IV-D agency to pay
- 29 the arrearage; and
- 30 (C) request the activation of an income withholding order
- 31 under IC 31-16-15-2.
- 32 (b) Whenever the Title IV-D agency finds that an obligor is
- 33 delinquent and has failed to:
- 34 (1) pay the obligor's child support arrearage in full;
- 35 (2) establish a payment plan with the Title IV-D agency to pay the
- 36 arrearage and request the activation of an income withholding
- 37 order under IC 31-16-15-2; or
- 38 (3) request a hearing under section 35 of this chapter within
- 39 twenty (20) days after the date the notice described in subsection
- 40 (a) is mailed;
- 41 the Title IV-D agency shall issue an order to the bureau of motor
- 42 vehicles stating that the obligor is delinquent.

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(c) An order issued under subsection (b) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

(1) full name;

(2) date of birth;

(3) verified address; and

(4) Social Security number or driving license number; of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under ~~IC 31-2-10-7~~; **IC 31-16-15**; or

(3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board **or department** regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the ~~professional standards board~~ **department of education** if the obligor is a licensed teacher,

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1 that the obligor is delinquent.

2 (h) When the Title IV-D agency finds that an obligor who holds a  
3 license issued under IC 4-31-6 or IC 4-33 has failed to:

4 (1) pay the obligor's child support arrearage in full;

5 (2) establish a payment plan with the Title IV-D agency to pay the  
6 arrearage and request the activation of an income withholding  
7 order under IC 31-16-15-2; or

8 (3) request a hearing under section 35 of this chapter;

9 the Title IV-D agency shall issue an order to the Indiana horse racing  
10 commission if the obligor holds a license issued under IC 4-31-6, or to  
11 the Indiana gaming commission if the obligor holds a license issued  
12 under IC 4-33, stating that the obligor is delinquent and directing the  
13 commission to impose the appropriate sanctions described in  
14 IC 4-31-6-11 or IC 4-33-8.5-3.

15 (i) When the Title IV-D agency finds that an obligor who holds a  
16 license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has  
17 failed to:

18 (1) pay the obligor's child support arrearage in full;

19 (2) establish a payment plan with the Title IV-D agency to pay the  
20 arrearage and request the activation of an income withholding  
21 order under IC 31-16-15-2; or

22 (3) request a hearing under section 35 of this chapter;

23 the Title IV-D agency shall issue an order to the commissioner of the  
24 department of insurance stating that the obligor is delinquent and  
25 directing the commissioner to impose the appropriate sanctions  
26 described in IC 27-1-15.6-29 or IC 27-10-3-20.

27 (j) When the Title IV-D agency finds that an obligor who holds a  
28 license issued by the department of natural resources under  
29 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,  
30 IC 14-24-7, or IC 14-31-3 has failed to:

31 (1) pay the obligor's child support arrearage in full;

32 (2) establish a payment plan with the Title IV-D agency to pay the  
33 arrearage and request the activation of an income withholding  
34 order under IC 31-16-15-2; or

35 (3) request a hearing under section 35 of this chapter;

36 the Title IV-D agency shall issue an order to the director of the  
37 department of natural resources stating that the obligor is delinquent  
38 and directing the director to suspend or revoke a license issued to the  
39 obligor by the department of natural resources as provided in  
40 IC 14-11-3.

41 SECTION 6. IC 20-1-1-6.5, AS ADDED BY P.L.221-1999,  
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 6.5. (a) As used in this section, "board" refers to the **Indiana** state board of education established under section 1 of this chapter.

(b) As used in this section, "department" refers to the department of education established under IC 20-1-1.1-2.

(c) As used in this section, "governing body" has the meaning set forth in IC 20-10.1-1-5.

(d) As used in this section, "plan" refers to an Indiana school academic plan established under section 6.3 of this chapter.

(e) As used in this section, "program" refers to a professional development program.

(f) As used in this section, "superintendent" has the meaning set forth in IC 20-10.1-1-6.

(g) A school shall develop a program as a component of a plan established by the school.

(h) The following apply to a program developed under this section:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school's strategic and continuous improvement and achievement plan under IC 20-10.2-3-1.

(3) The program must be integrated with the school's strategic and continuous improvement and achievement plan developed under IC 20-10.2-3.

(i) A school committee shall submit the school's program to the superintendent for the superintendent's review. The superintendent:

(1) shall review the plan to ensure that the program aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the program to ensure alignment; and

(3) shall return the program and any recommendations to the school committee.

(j) A school committee may modify the program to comply with recommendations made by the superintendent under subsection (i).

(k) A school committee shall submit the program as part of its plan to the governing body. The governing body shall:

(1) approve or reject the program as part of the plan; and

(2) submit the program to the board as part of the plan for the school.

(l) The board may approve a school's program only if the program meets the board's core principles for professional development and the following additional criteria:

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(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards, including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

(E) includes measurement activities to ensure the transfer of new knowledge and skills to classroom instruction.

(2) A variety of resources, including needs assessments, an analysis of data regarding student learning needs, professional literature, research, and school improvement programs, are used in developing the program.

(3) The program supports professional development for all stakeholders.

(4) The program includes ongoing professional growth experiences that provide adequate time and job embedded opportunities to support school improvement and student learning, including flexible time for professional development that provides professional development opportunities before, during, and after the regular school day and school year.

(5) Under the program, teacher time for professional development sustains instructional coherence, participant involvement, and continuity for students.

(6) The program includes effective, research based strategies to support ongoing developmental activities.

(7) The program supports experiences to increase the effective use of technology to improve teaching and learning.

(8) The program encourages diverse techniques, including inquiry, reflection, action research, networking, study groups, coaching, and evaluation.

(9) The program includes a means for evaluating the effectiveness of the program and activities under the program.

(m) The board shall approve an evaluation system for professional development based on recommendations from the department. ~~and the professional standards board~~. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

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(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP tests under IC 20-10.1-16, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

(n) A school qualifies for a grant from the department when the school's program, developed and submitted under this section, is approved by the board upon recommendation of the department. For purposes of determining whether a school qualifies for a grant under this chapter, the department shall:

(1) review;

(2) suggest changes to; and

(3) recommend approval or rejection of;  
a school's program.

(o) A school must use a grant received under this chapter to implement all or part of the school's program by funding activities that may include the following:

(1) Partnership programs with other entities, including professional development schools.

(2) Teacher leadership academies, research teams, and study groups.

(3) Workshops, seminars, and site visits.

(4) Cooperative programs with other school corporations.

(5) National board certification for teachers.

(p) A school may contract with private or public sector providers to provide professional development activities under this section.

(q) A grant received under this section:

(1) shall be expended only for the conduct of activities specified in the program; and

(2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

(r) A school shall report to the department concerning the use of grants received under this chapter. A school that fails to make a report under this section is not eligible for a subsequent grant.

SECTION 7. IC 20-1-1.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. ~~Notwithstanding IC 20-1-1.1-1,~~ As used in this chapter, "**advisory board**" refers to the ~~professional standards board~~ **advisory board for teacher training,**



1 **licensing, and professional development** established by section 2 3  
2 of this chapter.

3 SECTION 8. IC 20-1-1.4-1.5 IS ADDED TO THE INDIANA  
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. As used in this chapter,**  
6 **"division" refers to the division of teacher training, licensing, and**  
7 **professional development established by section 2.5 of this chapter.**

8 SECTION 9. IC 20-1-1.4-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. ~~The professional~~  
10 ~~standards board is established to govern teacher training and licensing~~  
11 ~~programs. Notwithstanding any other law, the board and the board's~~  
12 ~~staff have~~ **The department has** the sole authority and responsibility for  
13 ~~making recommendations concerning; and otherwise governing teacher~~  
14 ~~training and teacher licensing matters,~~ **including professional**  
15 **development.**

16 SECTION 10. IC 20-1-1.4-2.5 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. The division of teacher**  
19 **training, licensing, and professional development is established**  
20 **within the department to administer the responsibilities of the**  
21 **department described in section 2 of this chapter.**

22 SECTION 11. IC 20-1-1.4-3 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **The advisory**  
24 **board for teacher training, licensing, and professional development**  
25 **is established to advise the superintendent, the board, the**  
26 **department, and the division on matters concerning teacher**  
27 **training, licensing, and professional development.** The advisory  
28 board consists of nineteen (19) voting members.

29 (b) Each voting member of the **advisory** board described in this  
30 subsection and subsections (c) and (d) must hold an Indiana teacher's  
31 license and must be actively employed by a school corporation unless  
32 otherwise provided. Eighteen (18) members shall be appointed by the  
33 governor as follows:

34 (1) One (1) member must hold a license and be actively employed  
35 in a public school as an Indiana school superintendent.

36 (2) Two (2) members must:

37 (A) hold licenses as public school principals;

38 (B) be actively employed as public school principals; and

39 (C) be employed at schools having dissimilar grade level  
40 configurations.

41 (3) One (1) member must:

42 (A) hold a license as a special education director; and

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- 1 (B) be actively employed as a special education director in:  
 2 (i) a school corporation; or  
 3 (ii) a public school special education cooperative.  
 4 (4) One (1) member must be a member of the governing body of  
 5 a school corporation but is not required to be actively employed  
 6 by a school corporation or to hold an Indiana teacher's license.  
 7 (5) Three (3) members must meet the following conditions:  
 8 (A) Represent Indiana teacher training units within Indiana  
 9 public and private institutions of higher education.  
 10 (B) Hold a teacher's license but not necessarily an Indiana  
 11 teacher's license.  
 12 (C) Be actively employed by the respective teacher training  
 13 units but are not required to be employed by a school  
 14 corporation.  
 15 (6) Nine (9) members must be licensed and actively employed as  
 16 Indiana public school teachers in the following categories:  
 17 (A) At least one (1) member must hold an Indiana standard  
 18 early childhood education license.  
 19 (B) At least one (1) member must hold an Indiana teacher's  
 20 license in elementary education.  
 21 (C) At least one (1) member must hold an Indiana teacher's  
 22 license for middle/junior high school education.  
 23 (D) At least one (1) member must hold an Indiana teacher's  
 24 license in high school education.  
 25 (7) One (1) member must be a member of the business  
 26 community in Indiana, but is not required to be actively employed  
 27 by a school corporation or to hold an Indiana teacher's license.  
 28 (c) Each member described in subsection (b)(6) must be licensed  
 29 and actively employed as a practicing teacher in at least one (1) of the  
 30 following areas to be appointed:  
 31 (1) At least one (1) member must be licensed in special education.  
 32 (2) At least one (1) member must be licensed in vocational  
 33 education.  
 34 (3) At least one (1) member must be employed and licensed in  
 35 student services, which may include school librarians or  
 36 psychometric evaluators.  
 37 (4) At least one (1) member must be licensed in social science  
 38 education.  
 39 (5) At least one (1) member must be licensed in fine arts  
 40 education.  
 41 (6) At least one (1) member must be licensed in English or  
 42 language arts education.

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(7) At least one (1) member must be licensed in mathematics education.

(8) At least one (1) member must be licensed in science education.

(d) At least one (1) of the voting members described in subsections (b) and (c) must be a parent of a student enrolled in a public preschool or public school within a school corporation in either kindergarten or any of grades 1 through 12.

(e) The state superintendent shall serve as an ex officio voting member of the **advisory** board. The state superintendent may make recommendations to the governor as to the appointment of members on the **advisory** board.

SECTION 12. IC 20-1-1.4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The term of office for the appointed members of the **advisory** board is four (4) years.

SECTION 13. IC 20-1-1.4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **The superintendent shall appoint** the chairman of the **advisory** board ~~shall be elected by a majority of the members of the board~~ from among the members of the **advisory** board for a term of one (1) year. A member may be ~~reelected~~ **reappointed** to serve as a chairman for subsequent terms.

SECTION 14. IC 20-1-1.4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Each member of the **advisory** board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the **advisory** board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 15. IC 20-1-1.4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) In addition to the powers and duties set forth in IC 20-6.1, the ~~board shall~~ **department may** adopt rules under IC 4-22-2 to do the following:

(1) Set standards for teacher licensing and ~~administer for the administration of~~ a professional licensing and certification process **by the department.**

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- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreement with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing relative to new subjects of study.
- (7) Evaluate work experience and military service relative to higher education and experience equivalency.
- (8) Perform any other action that relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education and that attracts qualified candidates for teacher training from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-1-1.9.

(b) Notwithstanding subsection (a)(1), a person shall earn one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the person holds a license under IC 25-8-6.

SECTION 16. IC 20-1-1.4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The **board department** may recommend to the general assembly for consideration of the general assembly measures relating to the **board's department's** powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The **board department** shall submit to the general assembly before November 1 of each year a report:

- (1) detailing the findings and activities of the **advisory board, the department, the division, and the advisory board**; and
- (2) including any recommendations developed by ~~the board~~ **under this chapter**.

SECTION 17. IC 20-1-1.4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The **board department** may, subject to approval by the budget agency, do the following **to administer the responsibilities of the department described in section 2 of this chapter**:

- (1) Establish advisory committees the **board department** determines are necessary.
- (2) Expend funds made available to the **board department** according to policies established by the budget agency.

(b) The **board department** shall comply with the requirements for

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submitting a budget request to the budget agency, as set forth in IC 4-12-1, **for funds to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 18. IC 20-1-1.4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. IC 4-21.5 applies to orders issued ~~by the board~~ **under this chapter.**

SECTION 19. IC 20-1-1.4-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11. There is established the teacher training, licensing, and professional development fund to be administered by the department. The fund consists of fee revenues collected under this chapter and IC 20-6.1-3-6. Money in the fund does not revert to the state general fund at the end of a state fiscal year. Money in the fund is continuously appropriated for use by the department for administrative expenses in carrying out its responsibilities described in section 2 of this chapter.**

SECTION 20. IC 20-1-1.9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the ~~professional standards board established by IC 20-1-1.4-2:~~ **department.**

(2) Be employed by a:

- (A) developmental center;
- (B) state hospital;
- (C) public or private hospital;
- (D) mental health center;
- (E) rehabilitation center;
- (F) private school; or
- (G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the ~~professional standards board~~ **department** that the applicant has received at least a sixty (60) semester hour master's or specialist degree in school psychology from:

- (A) a recognized institution of higher learning; or
- (B) an educational institution not located in the United States that has a program of study that meets the standards of the

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~~board.~~ **department.**

(4) Furnish satisfactory evidence to the ~~professional standards~~  
~~board~~ **department** that the applicant has demonstrated graduate  
level competency through the successful completion of course  
work and a practicum in the areas of assessment and counseling.

(5) Furnish satisfactory evidence to the ~~professional standards~~  
~~board~~ **department** that the applicant has at least one thousand  
two hundred (1,200) hours of school psychology experience  
beyond the master's degree level. At least six hundred (600) hours  
must be in a school setting under the supervision of any of the  
following:

(A) A physician licensed under IC 25-22.5.

(B) A psychologist licensed under IC 25-33.

(C) A school psychologist licensed under IC 20-1-1.4.

(6) Furnish satisfactory evidence to the ~~professional standards~~  
~~board~~ **department** that the applicant has completed, in addition  
to the requirements in subdivision (5), at least four hundred (400)  
hours of supervised experience in identification and referral of  
mental and behavioral disorders, including at least one (1) hour  
each week of direct personal supervision by a:

(A) physician licensed under IC 25-22.5;

(B) psychologist licensed under IC 25-33; or

(C) school psychologist endorsed under this chapter;

with at least ten (10) hours of direct personal supervision.

(7) Furnish satisfactory evidence to the ~~professional standards~~  
~~board~~ **department** that the applicant has completed, in addition  
to the requirements of subdivisions (5) and (6), fifty-two (52)  
hours of supervision with a physician licensed under IC 25-22.5,  
a psychologist licensed under IC 25-33, or a school psychologist  
endorsed under this chapter that meets the following  
requirements:

(A) The fifty-two (52) hours must be completed within at least  
twenty-four (24) consecutive months but not less than twelve  
(12) months.

(B) Not more than one (1) hour of supervision may be  
included in the total for each week.

(C) At least nine hundred (900) hours of direct client contact  
must take place during the total period under ~~subdivision~~  
**clause (A).**

(8) Furnish satisfactory evidence to the ~~professional standards~~  
~~board~~ **department** that the applicant does not have a conviction  
for a crime that has a direct bearing on the applicant's ability to

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practice competently.

(9) Furnish satisfactory evidence to the ~~professional standards board~~ **department** that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.

(10) Pass the examination provided by the ~~professional standards board~~ **department**.

SECTION 21. IC 20-5.5-8-4, AS ADDED BY P.L.100-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

(1) Any Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the Indiana state board of education,

(3) ~~A rule or guideline adopted by the professional standards board (established by IC 20-1-1.4-2)~~, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

~~(4)~~ (3) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 22. IC 20-6.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) As used in this article, the term "license" refers to any document issued by the ~~professional standards board established by IC 20-1-1.4~~ **department** ~~which that~~ grants permission to serve as a particular kind of teacher. The term includes but is not necessarily limited to any certificate or permit issued by the ~~professional standards board~~ **department**.

(b) As used in this article, the term "kind of license" refers to the various types and grades of licenses.

SECTION 23. IC 20-6.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The ~~professional standards board established by IC 20-1-1.4~~ **department** shall:

(1) arrange a statewide system of professional instruction for teacher training;

(2) accredit and inspect teacher training schools and departments which comply with the rules of the ~~professional standards board~~ **department**;

(3) recommend and approve courses for the training of particular kinds of teachers in accredited schools and departments; and



(4) specify the kinds of licenses for graduates of approved courses.

SECTION 24. IC 20-6.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Each accredited school and department may use the word "accredited" in advertising its approved courses and the kind of teachers it is accredited to prepare. Each accredited school and department may enter into the student teaching agreements specified in IC 20-5-10.

(b) The ~~professional standards board~~ **department** shall revoke this right to use the word "accredited" when an accredited school or department refuses to abide by the ~~professional standards board's~~ **department's** rules.

SECTION 25. IC 20-6.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The ~~board~~ **department** is responsible for the licensing of teachers.

SECTION 26. IC 20-6.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The ~~board~~ **department** may adopt rules for:

- (1) the issuance of a substitute license; and
- (2) the employment of substitute licensees.

A person may not serve as a substitute teacher without a license issued by the ~~board~~ **department**.

SECTION 27. IC 20-6.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The ~~board~~ **department** shall designate:

- (1) the grade average required for each kind of license; and
- (2) the kinds of license to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The ~~board~~ **department** shall determine details of licensing not provided in this chapter. These details may include requirements regarding:

- (1) the conversion of one kind of license into another;
- (2) the accreditation of teacher training schools and departments;
- (3) the exchange and renewal of licenses;
- (4) the endorsement of another state's license;
- (5) the acceptance of credentials from teacher training institutions of another state;
- (6) the academic and professional preparation for each kind of license;
- (7) the granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license;
- (8) the issuance of licenses on credentials;



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- (9) the kind of license for each school position;
- (10) the size of an elementary school requiring a licensed principal; and
- (11) other related matters.

However, the **board department** shall ~~not later than December 31, 1984,~~ establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) The **board department** shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the kinds of licenses issued;
- (3) the rules governing the issuance of each kind of license; and
- (4) other similar matters.

SECTION 28. IC 20-6.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The following fees remain in effect and shall be collected by the **board department** until replaced by new fees adopted by rule under this section:

- (1) Five dollars (\$5) for evaluation of the qualifications of applicants for licenses to practice as a teacher.
- (2) Five dollars (\$5) for licensure to practice as a teacher.
- (3) Five dollars (\$5) for the issuance of a duplicate license to practice as a teacher.

(b) The **board department** shall adopt by rule and cause to be collected fees sufficient to pay all of the costs of the services described in subsection (a)(1), (a)(2), and (a)(3).

(c) All fees collected under this section shall be deposited in the **state general teacher training, licensing, and professional development** fund ~~for use by the board in complying with the duties of the board.~~ **established by IC 20-1-1.4-11.**

SECTION 29. IC 20-6.1-3-7, AS AMENDED BY P.L.37-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) On the written recommendation of the state superintendent, the **board department** may revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

However, for each revocation, the **board department** shall comply with IC 4-21.5-3.

(b) The superintendent of a school corporation or equivalent authority for an accredited nonpublic school shall immediately notify the state superintendent when the person knows that a current or former

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1 licensed employee of the school corporation or accredited nonpublic  
2 school has been convicted of an offense listed in subsection (c).

3 (c) The ~~board~~, **department**, after holding a hearing on the matter,  
4 shall permanently revoke the license of a person who is known by the  
5 ~~board~~ **department** to have been convicted of any of the following  
6 offenses:

7 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
8 years of age.

9 (2) Criminal deviate conduct (IC 35-42-4-2), if the victim is less  
10 than eighteen (18) years of age.

11 (3) Child molesting (IC 35-42-4-3).

12 (4) Child exploitation (IC 35-42-4-4(b)).

13 (5) Vicarious sexual gratification (IC 35-42-4-5).

14 (6) Child solicitation (IC 35-42-4-6).

15 (7) Child seduction (IC 35-42-4-7).

16 (8) Sexual misconduct with a minor (IC 35-42-4-9).

17 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
18 years of age.

19 (d) A license may be suspended by the state superintendent as  
20 specified in IC 20-6.1-4-13.

21 SECTION 30. IC 20-6.1-3-7.1 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7.1. (a) As used in this  
23 section, "applicant" refers to an applicant for:

24 (1) a new license;

25 (2) a renewal license; or

26 (3) a substitute teacher certificate;

27 issued by the ~~board~~, **department**.

28 (b) As used in this section, "limited criminal history" has the  
29 meaning set forth in IC 5-2-5-1(1).

30 (c) As used in this section, "disposition" has the meaning set forth  
31 in IC 5-2-5-1(6).

32 (d) An applicant must do the following:

33 (1) Submit a request to the Indiana central repository for limited  
34 criminal history information under IC 5-2-5.

35 (2) Obtain a copy of the limited criminal history for the applicant  
36 from the repository's records.

37 (3) Submit to the ~~board~~ **department** the limited criminal history  
38 for the applicant.

39 (4) Submit to the ~~board~~ **department** a document verifying a  
40 disposition that does not appear on the limited criminal history for  
41 the applicant.

42 (e) The ~~board~~ **department** may deny the issuance of a license or

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certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(f) The ~~board~~ **department** must use the information obtained under this section in accordance with IC 5-2-5-6.

(g) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 31. IC 20-6.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The ~~board~~ **department** shall keep a record of:

- (1) all licenses issued;
- (2) all licenses in force; and
- (3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) Each superintendent shall register and keep a record of:

- (1) the kind of license held by each teacher;
- (2) each teacher's date of first employment; and
- (3) each teacher's annual or monthly salary.

SECTION 32. IC 20-6.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The ~~board~~ **department** shall not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. These semester hours may include graduate hours, undergraduate hours, or both, as determined by the ~~board~~ **department**.

(b) The ~~board~~ **department** may adopt rules under IC 4-22-2 to create exceptions to subsection (a), and may grant individual waivers to subsection (a).

(c) This section does not apply to anyone who, on or before September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

SECTION 33. IC 20-6.1-3-10.1, AS AMENDED BY P.L.135-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10.1. (a) The ~~board~~ **department** may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the ~~board~~ **department**:

- (1) Basic reading, writing, and mathematics.

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(2) Pedagogy.

(3) Knowledge of the areas in which the individual is required to have a license to teach.

(4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:

(A) phonemic awareness; and

(B) phonics instruction.

(b) An individual's license examination score may not be disclosed by the ~~board~~ **department** without the individual's consent unless specifically required by state or federal statute or court order.

(c) The ~~board~~ **department** shall adopt rules under IC 4-22-2 to do the following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (a).

(2) Establish examination scores indicating proficiency.

(3) Otherwise carry out the purposes of this section.

(d) The ~~board~~ **department** shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for individuals holding valid teachers licenses issued by another state.

(e) Subsection (a) does not apply to individuals holding Indiana limited, reciprocal, or standard teaching licenses on June 30, 1985.

(f) If the ~~board~~ **department** is notified by the department of state revenue that a person is on the most recent tax warrant list, the ~~board~~ **department** may not grant an initial standard license to the person until:

(1) the person provides the ~~board~~ **department** with a statement from the department of state revenue indicating that the person's delinquent tax liability has been satisfied; or

(2) the ~~board~~ **department** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 34. IC 20-6.1-3-11, AS ADDED BY P.L.100-2001, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) As used in this section, "program" refers to the transition to teaching program established by subsection (b).

(b) The transition to teaching program is established to accomplish the following:

(1) Facilitate the transition into the teaching profession of competent professionals in fields other than teaching.

(2) Allow competent professionals who do not hold a teaching



license to earn and be issued a teaching license through participation in and satisfactory completion of the program.

(c) Subject to the requirements of this section, the **board department** shall develop and administer the program. The **board department** shall determine the details of the program that are not included in this section.

(d) Each accredited teacher training school and department shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this subsection must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, up to eighteen (18) credit hours of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under subsection (e), unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in the teaching of reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

(e) A person who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of three (3.0) on a four (4.0) scale from an accredited institution of higher education in the subject area that the person intends to teach.

(B) A graduate degree from an accredited institution of higher education in the subject area that the person intends to teach.

(C) Both:

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- 1 (i) a bachelor's degree from an accredited institution of  
 2 higher education with a grade point average of two and  
 3 five-tenths (2.5) on a four (4) point scale; and  
 4 (ii) five (5) years of professional experience;  
 5 in the subject area that the person intends to teach.
- 6 (2) For a program participant who seeks to obtain a license to  
 7 teach in kindergarten through grade 5, one (1) of the following:  
 8 (A) A bachelor's degree or the equivalent with a grade point  
 9 average of three (3.0) on a four (4.0) scale from an accredited  
 10 institution of higher education.  
 11 (B) Both:  
 12 (i) a bachelor's degree from an accredited institution of  
 13 higher education with a grade point average of two and  
 14 five-tenths (2.5) on a four (4.0) point scale; and  
 15 (ii) five (5) years of professional experience in an  
 16 education-related field.
- 17 (f) The ~~board~~ **department** shall grant an initial standard license to  
 18 a program participant who does the following:  
 19 (1) Successfully completes the higher education component of the  
 20 program.  
 21 (2) Demonstrates proficiency through a written examination in:  
 22 (A) basic reading, writing, and mathematics;  
 23 (B) pedagogy; and  
 24 (C) knowledge of the areas in which the program participant  
 25 is required to have a license to teach;  
 26 under section 10.1(a) of this chapter.  
 27 (3) Participates successfully in a beginning teacher internship  
 28 program ~~under IC 20-6.1-8~~ that includes implementation in a  
 29 classroom of the teaching skills learned in the higher education  
 30 component of the program.  
 31 (4) Receives a successful assessment of teaching skills upon  
 32 completion of the beginning teacher internship program from the  
 33 administrator of the school where the beginning teacher  
 34 internship program takes place, or, if the program participant does  
 35 not receive a successful assessment, ~~participates~~ **continues**  
 36 **participation** in the beginning teacher internship program. ~~for a~~  
 37 ~~second year, as provided under IC 20-6.1-8-13. The appeals~~  
 38 ~~provisions of IC 20-6.1-8-14 apply to an assessment under this~~  
 39 ~~subdivision.~~  
 40 (g) This subsection applies to a program participant who has a  
 41 degree described in subsection (e) that does not include all the content  
 42 areas of a standard license issued by the ~~board~~ **department**. The ~~board~~

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**department** shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

(h) A school corporation may hire a program participant to teach only in the subject area in which the participant meets the qualifications set forth under subsection (e).

(i) After receiving an initial standard license under subsection (f) or (g), a program participant who seeks to renew the participant's initial standard license must meet the same requirements as other candidates for license renewal.

(j) The ~~board~~ **department** may adopt rules under IC 4-22-2 to administer this section. Rules adopted under this subsection must include a requirement that accredited teacher training schools and departments submit an annual report to the ~~board~~ **department** of the number of individuals who:

- (1) enroll in; and
- (2) complete;

the program.

SECTION 35. IC 20-6.1-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Computation of minimum salary shall be made each school year on the basis of the teacher's training, experience, and degree, completed as of the first day of service. If a teacher is licensed by the ~~professional standards board~~ **department** on the first day of service in the current school year or on another date as agreed by the school employer and the exclusive representative under IC 20-7.5, the minimum salary of the public school teacher is as follows:

(1) The minimum salary of a teacher who has completed four (4) years or one hundred forty-four (144) weeks of professional training, for service during a nine (9) months school term, is five thousand two hundred dollars (\$5,200). To this salary, an increment of one hundred fifty dollars (\$150) shall be added for each of the first ten (10) years of experience. An increment of two hundred fifty dollars (\$250) shall be added to this salary after the fifteenth year and again after the twentieth year of experience.

(2) The minimum salary of a teacher who has completed five (5) years or one hundred eighty (180) weeks of professional training, for service during a nine (9) months school term, is five thousand five hundred dollars (\$5,500). To this salary, an increment of one hundred fifty dollars (\$150) shall be added for each of the first eighteen (18) years of experience. An increment of three hundred

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dollars (\$300) shall be added to this salary after each of the following years of experience:

- (A) The nineteenth.
- (B) The twentieth.
- (C) The twenty-second.
- (D) The twenty-fourth.
- (E) The twenty-sixth.
- (F) The thirtieth.

(3) The beginning salary of a teacher who has completed less than four (4) years of professional training, for service during a nine (9) months school term, is four thousand seven hundred dollars (\$4,700). To this salary, an increment of one hundred twenty dollars (\$120) shall be added after each of the first ten (10) years of experience.

SECTION 36. IC 20-6.1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) If the school term of or contract with a school corporation is more or less than nine (9) months, the minimum salary as set forth in section 1 of this chapter shall be proportionately increased or decreased.

(b) The ~~professional standards board~~ department shall require:

- (1) a bachelor's degree from an accredited teacher training institution for each teacher seeking to qualify for the first time for classification under section 1(1) of this chapter; and
- (2) a master's degree for each teacher seeking to qualify for the first time for classification under section 1(2) of this chapter. Five (5) years of training may not be recognized unless at least a bachelor's degree has been completed.

(c) In fixing the annual salary of teachers when contracting with them or when distributing state funds, a fraction of less than one-half (1/2) of a dollar is dropped while a fraction of one-half (1/2) or more is adjusted to the next whole dollar.

SECTION 37. IC 20-6.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A person who:

- (1) holds a:
  - (A) professional license;
  - (B) provisional license;
  - (C) limited license; or
  - (D) an equivalent license, which is issued by the ~~professional standards board~~ department; and
- (2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation ~~he~~ the person serves.

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(b) A person who:

(1) holds a:

(A) professional license; or

(B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;

shall be compensated on the regular pay schedule for teachers of the school corporation ~~he the person~~ serves.

SECTION 38. IC 20-8.1-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. With the exception of ex officio attendance officers, no person may hold the position of attendance officer unless ~~he the person~~ has complied with all standards of the ~~professional standards board~~ **department** and has been properly licensed by that body.

SECTION 39. IC 20-8.1-6.1-6.1, AS AMENDED BY P.L. 118-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6.1. (a) A school corporation may enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved education program; or

(2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the ~~professional standards board~~ **department**;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department; or

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 5(b) of this chapter;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the

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1 transfer tuition of the student. The amount agreed upon may not exceed  
 2 the transfer tuition costs that otherwise would be payable to the  
 3 transferee corporation.

4 (c) If a school corporation that is a transferor corporation enters into  
 5 an agreement as described in subsection (a), the school corporation  
 6 shall pay to the nonprofit corporation an amount agreed upon which  
 7 may not exceed the transfer tuition costs that otherwise would be  
 8 payable to a transferee school corporation.

9 SECTION 40. IC 25-1-1.2-2 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this  
 11 chapter, "board" means an entity that regulates occupations or  
 12 professions under this title and the ~~professional standards board~~  
 13 **department of education** as established by ~~IC 20-1-1.4.~~  
 14 **IC 20-1-1.1-2.**

15 SECTION 41. IC 25-33-1-3 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) There is created  
 17 a board to be known as the "state psychology board". The board shall  
 18 consist of seven (7) members appointed by the governor. Six (6) of the  
 19 board members shall be licensed under this article and shall have had  
 20 at least five (5) years of experience as a professional psychologist prior  
 21 to their appointment. The seventh member shall be appointed to  
 22 represent the general public, must be a resident of this state, must never  
 23 have been credentialed in a mental health profession, and must in no  
 24 way be associated with the profession of psychology other than as a  
 25 consumer. All members shall be appointed for a term of three (3) years.  
 26 All members may serve until their successors are duly appointed and  
 27 qualified. A vacancy occurring on the board shall be filled by the  
 28 governor by appointment. The member so appointed shall serve for the  
 29 unexpired term of the vacating member. Each member of the board is  
 30 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).  
 31 Such a member is also entitled to reimbursement for traveling expenses  
 32 and other expenses actually incurred in connection with the member's  
 33 duties, as provided in the state travel policies and procedures  
 34 established by the department of administration and approved by the  
 35 state budget agency.

36 (b) The members of the board shall organize by the election of a  
 37 chairman and a vice chairman from among its membership. Such  
 38 officers shall serve for a term of one (1) year. The board shall meet at  
 39 least once in each calendar year and on such other occasions as it  
 40 considers necessary and advisable. A meeting of the board may be  
 41 called by its chairman or by a majority of the members on the board.  
 42 Four (4) members of the board constitute a quorum. A majority of the

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- 1 quorum may transact business.
- 2 (c) The board is empowered to do the following:
- 3 (1) Establish reasonable application, examination, and renewal
- 4 procedures and set fees for licensure under this article. However,
- 5 no fee collected under this article shall, under any circumstances,
- 6 be refunded.
- 7 (2) Adopt and enforce rules concerning assessment of costs in
- 8 disciplinary proceedings before the board.
- 9 (3) Establish examinations of applicants for licensure under this
- 10 article and issue, deny, suspend, revoke, and renew licenses.
- 11 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon
- 12 complaint against individuals licensed or not licensed under this
- 13 article, concerning alleged violation of this article, under
- 14 procedures conducted in accordance with IC 4-21.5.
- 15 (5) Initiate the prosecution and enjoinder of any person violating
- 16 this article.
- 17 (6) Adopt rules which are necessary for the proper performance
- 18 of its duties, in accordance with IC 4-22-2.
- 19 (7) Establish a code of professional conduct.
- 20 (d) The board shall adopt rules establishing standards for the
- 21 competent practice of psychology.
- 22 (e) All expenses incurred in the administration of this article shall
- 23 be paid from the general fund upon appropriation being made in the
- 24 manner provided by law for the making of such appropriations.
- 25 (f) The bureau shall do the following:
- 26 (1) Carry out the administrative functions of the board.
- 27 (2) Provide necessary personnel to carry out the duties of this
- 28 article.
- 29 (3) Receive and account for all fees required under this article.
- 30 (4) Deposit fees collected with the treasurer of the state for
- 31 deposit in the state general fund.
- 32 (g) The board shall adopt rules under IC 4-22-2 to establish,
- 33 maintain, and update a list of restricted psychology tests and
- 34 instruments (as defined in section 14(b) of this chapter) containing
- 35 those psychology tests and instruments that, because of their design or
- 36 complexity, create a danger to the public by being improperly
- 37 administered and interpreted by an individual other than:
- 38 (1) a psychologist licensed under IC 25-33-1-5.1;
- 39 (2) an appropriately trained mental health provider under the
- 40 direct supervision of a health service provider endorsed under
- 41 IC 25-33-1-5.1(c);
- 42 (3) a qualified physician licensed under IC 25-22.5;

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(4) a school psychologist who holds a valid:

(A) license issued by the ~~professional standards board~~  
**department of education** under IC 20-1-1.4-2; or

(B) endorsement under IC 20-1-1.9;

practicing within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

(1) the social work certification and marriage and family therapists credentialing board; and

(2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 42. IC 25-33-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private

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1 institution of higher learning for the purpose of teaching,  
 2 research, or the exchange or dissemination of information and  
 3 ideas as an assigned duty of the institution;

4 (2) a commissioned psychology officer in the regular United  
 5 States armed services;

6 (3) licensed by the ~~professional standards board~~ **department of**  
 7 **education** (established by ~~IC 20-1-1.4-2~~ **IC 20-1-1.1-2**) as a  
 8 school psychologist and using the title "school psychologist" or  
 9 "school psychometrist" as an employee of a school corporation;  
 10 or

11 (4) endorsed as an independent practice school psychologist  
 12 under IC 20-1-1.9.

13 (b) As used in this section, "restricted psychology test or  
 14 instrument" means a measurement instrument or device used for  
 15 treatment planning, diagnosing, or classifying intelligence, mental and  
 16 emotional disorders and disabilities, disorders of personality, or  
 17 neuropsychological, neurocognitive, or cognitive functioning. The term  
 18 does not apply to an educational instrument used in a school setting to  
 19 assess educational progress or an appraisal instrument.

20 (c) It is unlawful for an individual to:

21 (1) claim that the individual is a psychologist; or

22 (2) use any title which uses the word "psychologist", "clinical  
 23 psychologist", "Indiana endorsed school psychologist" or  
 24 "psychometrist", or any variant of these words, such as  
 25 "psychology", or "psychological", or "psychologic";

26 unless that individual holds a valid license issued under this article or  
 27 a valid endorsement issued under IC 20-1-1.9.

28 (d) It is unlawful for any individual, regardless of title, to render, or  
 29 offer to render, psychological services to individuals, organizations, or  
 30 to the public, unless the individual holds a valid license issued under  
 31 this article or a valid endorsement issued under IC 20-1-1.9 or is  
 32 exempted under section 1.1 of this chapter.

33 (e) It is unlawful for an individual, other than:

34 (1) a psychologist licensed under IC 25-33-1-5.1;

35 (2) an appropriately trained mental health provider under the  
 36 direct supervision of a health service provider endorsed under  
 37 IC 25-33-1-5.1(c);

38 (3) a qualified physician licensed under IC 25-22.5;

39 (4) a school psychologist who holds a valid:

40 (A) license issued by the ~~professional standards board~~  
 41 **department of education** under IC 20-1-1.4-2; or

42 (B) endorsement under IC 20-1-1.9;

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who practices within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

to administer or interpret a restricted psychology test or instrument as established by the board under IC 25-33-1-3(g) in the course of rendering psychological services to individuals, organizations, or to the public.

(f) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 43. IC 20-6.1-3-1.5 IS REPEALED [EFFECTIVE JULY 1, 2003].

SECTION 44. [EFFECTIVE JULY 1, 2003] (a) **The professional standards board established by IC 20-1-1.4-2, before its amendment by this act, is abolished.**

(b) **The following are transferred from the professional standards board to the department of education established by IC 20-1-1.1-2:**

(1) **All real and personal property of the professional standards board.**

(2) **All powers, duties, assets, and liabilities of the professional standards board.**

(3) **All appropriations to the professional standards board.**

(c) **Money in the professional standards board licensing fund established by P.L.291-2001, SECTION 9, is transferred to the teacher training, licensing, and professional development fund established by IC 20-1-1.4-11, as added by this act.**

(d) **Rules that were adopted by the professional standards board shall be treated as though the rules were adopted by the Indiana state board of education established by IC 20-1-1-1.**

(e) **A reference to the professional standards board in a statute or rule shall be treated as a reference to the department of education established by IC 20-1-1.1-2.**

(f) **The members appointed before July 1, 2003, to the professional standards board:**

(1) **become members of the advisory board for teacher training, licensing, and professional development established by IC 20-1-1.4-2.5, as added by this act; and**

(2) **may serve until the expiration of the term for which they**



1           were appointed.

2           (g) A license or permit issued by the professional standards  
3 board before July 1, 2003, should be treated after June 30, 2003, as  
4 a license or permit issued by the department of education  
5 established by IC 20-1-1.1-2.

6           (h) Pending proceedings are transferred from the professional  
7 standards board to the department of education and treated as if  
8 initiated by the department of education established by  
9 IC 20-1-1.1-2.

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